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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,578	01/21/2000	Robert J. Snyder	1752.0010002	4622

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EXAMINER
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HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/488,578

Applicant(s)

SNYDER ET AL.

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. Claims 1-15, 18-21, 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,198,906 (Boetje et al).

- As for claims 1, 8, 10, 18, 26: Boetje teaches a computer implemented method and corresponding apparatus for producing a live or live-to-tape show (1:35-48; 2:56-65; 10:12-55), comprising the steps/means for:

enabling creation an instruction sequence for the show, the instruction sequence defines one or more set of production commands (3:30-62; figures 4, 20, 24), the one or more set comprising one or more segment files (6:26-56; figures 10a-g), each of the segment files comprises a group of production commands that, when executed, operates to produce a segment of the show (12:48 – 13:30;19:3-28; 29:3-28), each segment file comprising script portions that include commands activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator (6:41-65; 7:11-13; 10:30-40; 30:20-53; figure 24a), and non-scripted portion that includes at least one command activated independent of a script (figure 24b; 30:65-31:67), each segment having a duration which is defined by execution of the instruction sequence (6:25-56) under the control of a human operator (31:15-35;25:27-56), and executing the set of production command to produce the show. Show segments can be distributed over a computer network (5:51-54; 5:65 – 6:8).

- As for claims 2, 11: The system includes command for adding a segment variable to a show prior to execution of commands of the segment (11:33-63).

- As for claims 3, 9, 12: The system includes program instructions for irreversibly appending auto-flow segments (10:58-60) to a show document prior to the execution of the production commands. The lead-in and the close segments are also irreversible relative to the teaser segment (23:34-36)

- As for claim 4: The auto-flow segments and the switcher (10:21-24) provide a transition between segment.

- As for claims 5, 13: The news document is stored in a memory (figure 1).

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- As for claims 6, 7, 14, 15: It is implicitly included that the news document is recorded for subsequent playback. A “Meets” relation is a kind of delimiter which delimiting a segment file (25:35-46).
- As for claims 19, 27, 30: News segments are distributed to destinations upon request (5:51-54; 5:65 – 6:8; 17:1-7; 30:11-60).
- As for claim 20: The system includes commands enable select a show segment for distribution (figures 4, 24).
- As per claims 21, 31: The “Meet”, “Get” delimiters enable selection of an identified show segment for distribution (figure 4).
- As for claims 24, 28: The “Get”, “Meet” commands distribute media related to the show segment to a destination (figure 24).
- As for claims 25, 29: A show segment can be distributed over wireless communication (3:30-34; 5:65 – 6:8).

***Claim Rejections - 35 USC § 103***

2. Claims 16, 17, 22-23, 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,198,906 (Boetje et al).

- As for claims 16, 17, 32: Boetje teaches a computer implemented method and corresponding apparatus for producing a show (2:56-65; 10:12-55), comprising the steps/means for:

enabling creation an instruction sequence for the show, the instruction sequence defines one or more set of production commands (3:30-62; figures 4, 20, 24), the one or more set comprising one or more segment files (6:26-56; figures 10a-g), each of the segment files comprises a group of production commands that, when executed, operates to produce a segment of the show (12:48 – 13:30; 19:3-28; 29:3-28), each segment file comprising script portions that include commands activated in relation to a script and non-script portion (e.g., inserted segments or event variable, 11:33-63) that include commands activated independent of a script (figure 24a,b; 30:20-30, 49-53), each segment having a duration which is defined by execution of the instruction sequence (6:25-56) under the control of a human operator (31:28-35; 25:27-56), and

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executing the set of production command to produce the show.

Boetje fails to teach that the script is created by converting verbal instructions. However, implementation of creating script by verbal instruction is well known in the art of audio input and voice recognition (See US patent #6,185,538, 2:5-14, 4:25-34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known audio input and voice recognition to Boetje for creating the script. Motivation of the combine is for the advantage of having flexibility in input means. Each video segment includes data related to the video segment (19:3-28).

- As for claims 22, 23: Boetje fails to clearly teach that the implementation of the Internet protocol for distribution of show segments over Internet. However, distribution of news segment over Internet is well known in the art of broadcasting (See previously cited Parks' 1:25-39). It would have been obvious to one of skill in the art, at the time the invention was made, to implement the Internet Protocol to Boetje for the distribution of show segments over the Internet. Motivation of the implementation is for the advantage of information sharing.

- As for claims 33: The system includes commands for distribution of commercial segment to a destination (abstract).

- As for claim 34: The "Get", "Meet" commands distributes media related to the show segment to a destination (figure 24).

- As for claim 35: The system includes command to distribute a show segment substantially the same time as producing the show (figure 24).

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.

Remarks:

In response to the argument that Boetje et al do not teach a method for producing a live or live-to-tape show, the limitation is disclosed by Boetje in 1:35-47, 1:56-64, 2:56-65, 10:12-55, 25:9-14, and 31:23-36. The scrolling script is disclosed by Boetje in the teaching of

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teleprompting (17:3-7). Controlling the display of scrolling script by an operator is disclosed in 10:30-55, 31:15-36, and elsewhere in Boetje's disclosure.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent #6,185,538 (Schulz) teaches an EDL for producing a show in television studio (1:12-33), a speech recognition system for converting speech to script, script and non-script

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portions of a show (4:35-49, 5:60 – 7:9), operator-control scrolling of script, and providing of editing marks (5:26-42, 6:33-46).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary Examiner  
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5/31/05

  
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